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Before the
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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In the Matter of)

Advanced Television Systems)

and Their Impact Upon the)

Existing Television Broadcast)

Service)

MM Docket No. 87-268

TO: The Commission

**COMMENTS OF THE FOX AFFILIATES ASSOCIATION
IN SUPPORT OF ALTV PROPOSAL**

The FBC Television Affiliates Association ("Fox Affiliates"), on behalf of 154 full-time affiliates not owned by Fox Inc. including 125 UHF stations, hereby files these comments in support of the DTV power proposal submitted by the Association for Local Television Stations, Inc. ("ALTV") that was placed on public notice December 2, 1997.¹ In supporting the ALTV proposal, the Fox Affiliates urge the Commission not to ignore a critical problem currently contained in the DTV Table of Allocations -- the enormous power disadvantage faced by many current UHF stations assigned to UHF DTV channels.

The ALTV proposal represents an important potential solution to the substantial disparities in authorized power

¹ Certain VHF members of the FOX Affiliate Board of Governors abstained from the vote approving the submission of these comments to the FCC.

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between the DTV assignments of existing UHF stations that will operate on UHF DTV channels (UHF-to-UHF stations) and the DTV assignments for existing VHF stations that will operate on UHF channels (VHF-to-UHF stations). Significantly, despite the Commission's effort to address this issue in the Sixth Report and Order, hundreds of UHF-to-UHF stations have been assigned DTV power levels ten, fifteen and even twenty times less than those assigned to VHF-to-UHF stations in the same market.

The Fox Affiliates enthusiastically support the decision by Congress and the Commission to transition the over-the-air television industry to a digital world. The Fox Affiliates believe that a smooth, efficient transition to this DTV world is decidedly in the public interest. The Fox Affiliates submit, however, that the transition to DTV will be seriously jeopardized by the substantial power disparities between VHF-to-UHF and UHF-to-UHF DTV stations. These power disparities pose a serious threat to the DTV transition because a large number of American consumers, including consumers located well inside the core of many large urban markets, may not be able to view the DTV broadcasts of these UHF-to-UHF stations.

These significant power disparities also threaten to alter the competitive balance that currently exists in the marketplace. Specifically, these enormous power differentials

threaten to make today's NTSC UHF stations into tomorrow's low-power DTV stations. Regardless of whether the FCC's DTV model predicts that UHF reception will be theoretically possible at the low UHF-to-UHF assigned power levels, there can be no doubt that the DTV signal broadcast by the higher powered VHF-to-UHF DTV stations will be significantly more robust and able to overcome a far greater number of reception problems. Because a large number of these UHF-to-UHF stations are affiliated with new and/or emerging networks, these power disparities place these stations at an enormous disadvantage compared to their VHF-to-UHF competitors. Such a fundamental change in the ability of stations to compete simply cannot be tolerated as a "cost" of permitting the VHF-to-UHF stations to replicate their existing NTSC service areas.

The Fox Affiliates submit that ALTV's proposal is one of several viable methods to address these power differentials currently pending before the Commission.² The ALTV proposal can be implemented without changing the FCC's current DTV channel assignments and will help to address the power disparity problem

² Among the other proposals before the Commission to address the DTV power disparity, Viacom has submitted a so-called intermediate maximization plan. See Viacom Inc.'s Opposition to Petitions for Reconsideration of the Fifth Report and Order and of the Six Report and Order at 7-10 (filed July 18, 1997). The Fox Affiliates submit that ALTV's proposal in no way detracts from the viability of Viacom's proposal. In fact, as noted by ALTV in submitting its proposal, the Viacom proposal is not mutually exclusive with ALTV's proposal.

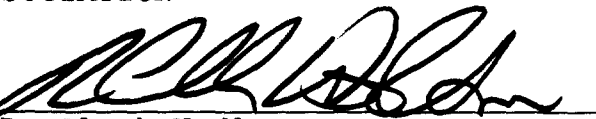
without creating new, incremental interference. While recognizing that certain details of the ALTV proposal may need further refinement or definition, the Fox Affiliates submit that these details can and should be resolved expeditiously and strongly urge the Commission not to let those technical details distract it from using ALTV's proposal to address the DTV power disparity problem.

The Fox Affiliates urge the Commission not to finalize its DTV table without taking additional steps to address the power disparity issue. The ALTV proposal presents a workable alternative to resolving an issue that threatens the country's transition to a DTV world as well as the viability of the nation's UHF broadcasters, including a substantial majority of the Fox Affiliates.

Respectfully submitted,

THE FBC TELEVISION AFFILIATES
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by


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